IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.19090 OF 2004

G.Kanchana ..Petitioner

Vs.

The Director of Government
Examinations, Department of
Government Examinations
Chennai ..Respondent

Prayer: Writ petition under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to evaluate the answers in Question Nos.24 and 32 in the Bio-Botony paper written by the petitioner in the examination held by the respondent for the higher secondary course in Register No.902141; to direct the respondent to award full marks to the petitioner for question Nos.24 and 32 and to issue the revised mark sheet and pass such further order as this Hon'ble court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.A.Thiagarajan
For Respondent 1 : Ms.V.Velumani, AGP (W)

ORDER

This writ petition is filed by the petitioner for a direction to the respondent to evaluate the answers for question Nos.24 and 32 in the Bio-Botony paper written by the petitioner in the examination conducted by the respondent for the Higher Secondary Course Certificate and consequently to direct the respondent to award full marks to the petitioner for question Nos.24 and 32 and to issue a revised mark sheet.

2. According to the petitioner, the petitioner has obtained the following marks in the Higher Secondary Examination:

Physics	: 200/200
Chemistry	: 197/200
Biology	: 195/200

The petitioner has immediately applied for re-valuation and paid the necessary fees. She was given additional one mark on re-valuation. The petitioner also applied for a xerox copy of the answer sheet relating to Bio-Botony paper and she found that question No.24 was not valued at all.

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Similarly, according to her, the answer for question No.32 also contained the mark of the examiner as 3+2 and after striking off the said mark, it has been corrected as 2+2. Therefore she is entitled to totally five marks for that question.

3. I have heard the learned counsel for the petitioner as also the learned Additional Government Pleader appearing on the writ side.

4. Mr.A.Thiyagarajan, learned counsel appearing for the petitioner would state that it is admitted by the respondent that on re-valuation, it was found that question No.24 was not valued at all and therefore the petitioner was given two marks for that question and that in respect of question No.32, one mark was reduced.

5. Perused the entire materials available on record. I also verified the xerox copy of the answer sheet given to the petitioner. It is seen from the xerox copy of the answer sheet that question No.24 was not valued earlier and on re-valuation, two marks have been awarded to that question. In respect of question No.32, the original examiner has awarded four marks, which has been confirmed on re-valuation also. But the learned counsel appearing for the petitioner would state that a perusal of the said answer sheet would show that the original examiner himself, while awarding marks, atleast in two places has put "3+2", totally meaning 5, which is the maximum mark. But however, the number "3" has been struck off and made as "2". Even at the end of the page, the original examiner has awarded five marks and after striking off the same, he has made it as "4". It is admitted that on re-valuation, the subsequent examiner has awarded only four marks in respect of question No.32. Even though there appears to be some discrepancy in awarding the marks by the original examiner, this court is concerned only about the re-valuation marks and when once the subsequent examiner has decided that the mark should be "4", this court cannot interfere in such circumstances. Learned counsel for the petitioner also pointed out that there are some discrepancies in the counter affidavit filed on behalf of the respondent. It is true that the respondent has filed the counter affidavit with some mistakes and discrepancies. Though the counter affidavit is filed in a hasty manner with some mistakes, a perusal of the answer sheet would show that the marks awarded for question No.35 is only "9" and not "10. Therefore there is absolutely no material against the respondent. In these circumstances, I am of the view that at this stage this court cannot interfere with the marks awarded to the petitioner on re-valuation. Ms.V.Velumani, learned Additional Government Pleader, produced before this court G.O.Ms.No.53 dated 21.04.2003 to show that while re-valuing the papers, it is open to the examiner to even

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reduce the marks already awarded. In addition to that, she also took me through the answer to question No.35, in which the original examiner has awarded "1+5+4 = 10" marks. While on re-valuation, the same has been reduced to "9".

6. In the result, the direction sought for by the petitioner cannot be granted by this court, especially when in respect of question No.24, the petitioner has been awarded "2" marks. She must be satisfied with that. Consequently, the writ petition fails and it stands dismissed. No costs. W.P.M.P.No.22980/2004 is closed.

Vsl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Director of Government
Examinations, Department of
Government Examinations
Chennai

+ one cc to Additional Government Pleader

VS(CO)
NM(18.01.2006)

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